

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) AWA Docket No. 13-0333
)
Dianne Dick,)
)
Respondent.) Complaint

There is reason to believe that the respondent named herein has willfully violated the Animal Welfare Act, as amended (7 U.S.C. §§ 2131-2159), hereinafter referred to as the Act, and the regulations (9 C.F.R. §§ 1.1-4.11) issued pursuant to the Act, and, therefore, the Administrator of the Animal and Plant Health Inspection Service ("APHIS") issues this complaint alleging the following:

I

A. Dianne Dick, hereinafter referred to as respondent, is an individual whose mailing address is 6520 NW Hall Road, Rossville, Kansas 66533.

B. Respondent, at all times material hereto, was licensed and operating as a breeder as defined in the Act and the regulations.

II

A. On or about October 3, 2011, APHIS found that respondent had failed to maintain programs of adequate veterinary care under the supervision and assistance of a doctor of veterinary medicine to provide daily observation of all animals to assess their health and well-being, and a mechanism of direct and frequent communication so that timely and accurate

information on problems of animal health, behavior, and well-being is conveyed to the attending veterinarian, in willful violation of section 2.40(b)(3) of the regulations (9 C.F.R. § 2.40(b)(3)).

B. On or about October 3, 2011, respondent failed to identify all live dogs held on the premises by an official tag of the type described in § 2.51 affixed to the animal's neck by means of a collar made of material generally considered acceptable to pet owners as a means of identifying their pet dogs, or by a distinctive and legible tattoo marking acceptable to and approved by the Administrator, in willful violation of section 2.50(a)(1) of the regulations (9 C.F.R. § 2.50(a)(1)).

III

A. On or about May 21, 2012, APHIS found that respondent had failed to maintain programs of adequate veterinary care under the supervision and assistance of a doctor of veterinary medicine to provide daily observation of all animals to assess their health and well-being, and a mechanism of direct and frequent communication so that timely and accurate information on problems of animal health, behavior, and well-being is conveyed to the attending veterinarian, in willful violation of section 2.40(b)(3) of the regulations (9 C.F.R. § 2.40(b)(3)).

B. On or about May 21, 2012, APHIS inspected the Respondent's facility and found the following willful violations of section 2.100(a) of the regulations (9 C.F.R. 2.100(a)) and the specified standards:

1. Housing facilities for dogs were not structurally sound and maintained in good repair so as to protect the animals from injury (9 C.F.R. § 3.1(a)).

IV

On or about September 12, 2012, respondent failed to establish and maintain programs of adequate veterinary care that include the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care, in willful violation of section 2.40(b)(2) of the regulations (9 C.F.R. § 2.40(b)(2)).

V

On or about January 7, 2013, respondent failed to establish and maintain programs of adequate veterinary care that include the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care, in willful violation of section 2.40(b)(2) of the regulations (9 C.F.R. § 2.40(b)(2)).

VI

On or about January 30, 2013, respondent failed to establish and maintain programs of adequate veterinary care that include the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care, in willful violation of section 2.40(b)(2) of the regulations (9 C.F.R. § 2.40(b)(2)).

VII

On or about March 4, 2013, respondent failed to extend to APHIS officials the use of a room, table, or other facilities necessary for the proper examination of the records and inspection of the property or animals, and a responsible adult was not made available to accompany APHIS officials during the inspection process, in willful violation of section 2.126(b) of the regulations (9 C.F.R. § 2.126(b)).

VIII

On or about March 7, 2013, respondent failed to establish and maintain programs of adequate veterinary care that include the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care, in willful violation of section 2.40(b)(2) of the regulations (9 C.F.R. § 2.40(b)(2)).

WHEREFORE, it is hereby ordered that for the purpose of determining whether respondent has in fact willfully violated the Act and the regulations and standards issued under the Act, this complaint shall be served upon respondent. Respondent shall file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250-9200, in accordance with the Rules of Practice governing proceedings under the Act (7 C.F.R. §§ 1.130-162.13). Failure to file an answer shall constitute an admission of all the material allegations of this complaint.

APHIS requests:

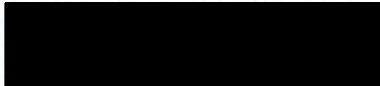
1. That unless respondent fails to file an answer within the time allowed therefor, or files an answer admitting all the material allegations of this complaint, this proceeding be set for oral hearing in conformity with the Rules of Practice governing proceedings under the Act; and
2. That such order or orders be issued as are authorized by the Act and warranted under the circumstances, including an order:
 - (a) Requiring respondent to cease and desist from violating the Act and the regulations and standards issued thereunder;

(b) Assessing civil penalties against the respondent in accordance with section 19 of the Act (7 U.S.C. § 2149); and

(c) Suspending or revoking respondent's license under the Act.

Done at Washington, D.C.

this 22nd day of August, 2013



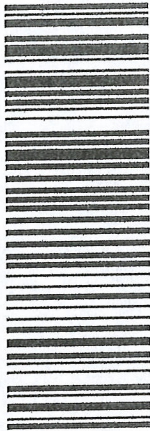
Administrator
Animal and Plant Health Inspection Service

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